United Nations Convention on the Law of the Sea CLCS/74

Commission on the Limits of the Continental Shelf

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New York, 19 March-27 April 2012

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chairperson

Summary

The present statement provides information on the work done by the Commission and its subcommissions prior to and during the twenty-ninth session, in particular with regard to the examination of the revised submission made by Barbados and the submissions made by Japan; France in respect of the areas of the French Antilles and the Kerguelen Islands; Uruguay; the Philippines in respect of the Benham Rise region; and the Cook Islands concerning the Manihiki Plateau. It also provides information on presentations made to the Commission by Guyana and in relation to its submission and by Mexico in relation to its submission in respect of the eastern polygon in the Gulf of Mexico.

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1. Pursuant to paragraph 66 of General Assembly resolution 66/231, the Commission on the Limits of the Continental Shelf held its twenty-ninth session at United Nations Headquarters from 19 March to 27 April 2012. The plenary part of the session was held from 9 to 20 April. The periods from 19 March to 5 April and from 23 to 27 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Abu Bakar Jaafar, George Jaoshvili, Emmanuel Kalngui, Yuri Borisovitch Kazmin, Wenzheng Lu, Isaac Owusu Oduro, Yong-Ahn Park, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Tetsuro Urabe.

3. Indurlall Fagoonee, Mihai Silviu German and Fernando Manuel Maia Pimentel informed the Secretariat that they were unable to attend the session. Alexandre Tagore Medeiros de Albuquerque, Chairperson of the Commission, passed away on 29 March 2012.

4. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.32/Rev.1);

(b) Statement by the Chairperson of the Commission on the progress of work in the Commission at its twenty-eighth session (CLCS/72);

(c) Submissions made by coastal States pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea[1] and addressed to the Commission through the Secretary-General of the United Nations;[2]

(d) General Assembly resolution 66/231;

(e) Communications received from Brazil (10 January 2012); China (6 February 2009, 24 August 2009, 3 August 2011 and 5 April 2012); Guyana (2 September 2011 and 3 April 2012); India (7 December 2011); Indonesia (28 December 2011); Japan (25 March 2009, 26 August 2009, 9 August 2011, 15 August 2011 and 9 April 2012); Madagascar (22 December 2011 and 6 March 2012); Mexico (19 December 2011, 23 December 2011 and 2 April 2012); Oman (27 March 2012); the Philippines (29 March 2012 and 4 April 2012); the Republic of Korea (27 February 2009, 11 August 2011 and 5 April 2012); and Venezuela (Bolivarian Republic of) (9 March 2012).

Item 1
Opening of the twenty-ninth session by the Chairperson of the Commission

5. The Acting Chairperson of the twenty-eighth session, Mr. Park, opened the plenary part of the session on 9 April 2012.

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

6. The Commission observed a minute of silence in honour of the former Chairperson, Mr. Albuquerque, following his untimely demise in Brazil on 29 March 2012.

Statement by the Director of the Division

7. The Director of the Division made a brief statement on behalf of the Legal Counsel. He recalled the significant contribution of the late Mr. Albuquerque to the work of the Commission and highlighted the important role of the Commission in effective implementation of the United Nations Convention on the Law of the Sea.

Item 2
Election of the Chairperson

8. Pursuant to rule 15 of its Rules of Procedure (CLCS/40/Rev.1), the Commission elected by consensus a new Chairperson, Mr. Carrera, for the remainder of Mr. Albuquerque's term.

Item 3
Adoption of the agenda

9. The Commission considered the provisional agenda (CLCS/L.32/Rev.1) and adopted it (CLCS/73).[3]

Item 4
Organization of work

10. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chairperson.

Item 5
Revised submission by Barbados

Report of the Subcommission

11. The Chairperson of the Subcommission, Mr. Rajan, informed the Commission that the Subcommission had continued the examination of the submission between sessions and had met during the resumed twenty-eighth session, from 5 to 9 December 2011, and the twenty-ninth session, from 26 March to 5 April 2012. He also informed the Commission that the delegation of Barbados had decided not to avail itself of its right to receive a presentation of the views and general conclusions of the Subcommission pursuant to paragraph 10.3 of annex III to the Rules of Procedure. The Subcommission had adopted the draft recommendations by

[3] In response to an invitation by the Chairperson to present their submissions at the twenty-eighth session, France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands), Iceland, Pakistan and Sri Lanka had indicated a preference to make their presentations at a later session. The deferrals of the presentations to a later time were communicated to the Chairperson on the understanding that they would not affect the position of the submissions in the queue.

consensus on 2 April 2012 and transmitted them to the Commission on the same day.

Consideration of draft recommendations

12. On 9 April 2012, the Chairperson of the Subcommission introduced to the Commission the draft recommendations in regard to the revised submission made by Barbados on 25 July 2011.

13. On 10 April 2012, the delegation of Barbados, headed by Leonard Nurse, made a presentation to the Commission pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure of the Commission. In particular, Barbados noted that it had agreed with the conclusions of the Subcommission in relation to the revised submission.

14. The Commission then continued its meeting in private. On 13 April 2012, following a thorough consideration of the draft recommendations and of the presentation made by the delegation, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the revised submission made by Barbados on 25 July 2011".

15. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof,[4] were submitted in writing to the coastal State and to the Secretary-General of the United Nations on 17 April 2012.

Item 6
Submission made by Japan[5]

Consideration of draft recommendations

16. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the Subcommission at the twenty-eighth session (see CLCS/72, paras. 12-15).

17. Addressing the Shikoku Basin Region, the Commission did not agree that the whole area beyond the formula lines should be included in the continental shelf of Japan, and therefore amended the draft recommendations.

18. Addressing the Southern Kyushu-Palau Ridge Region, the Commission noted that, in accordance with the decision taken by the Commission at its twenty-fourth session (see CLCS/64, para. 26), the Subcommission had prepared the draft recommendations on all parts of the submission. The Commission also recalled that, according to the same decision, it would not take action on certain parts of those recommendations until it decided to do so. The Commission also took note of all the relevant communications received from China, Japan, Palau, the Republic of Korea and the United States of America, including the most recent communications received from China, Japan and the Republic of Korea.

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[4] Pursuant to paragraph 11 (3) of section V of annex III to the Rules of Procedure, the summary of the recommendations will be made public by the Secretary-General on the website dedicated to the work of the Commission at www.un.org/Dept/los.

[5] Submission made on 12 November 2008; see www.un.org/Depts/los/clcs_new/submissions_files/submission_jpn.htm.

19. The Commission proceeded to a formal vote on whether it should take action on the part of the recommendations relating to the Southern Kyushu-Palau Ridge Region. Responding to a question as to whether this was a matter of substance or of procedure, the Chairperson ruled that it was one of sub stance, requiring a two-thirds majority. That ruling was contested and subsequently upheld by a simple majority of 8 votes in favour, 7 against and 1 abstention. The Commission then discussed the method of voting and decided to follow rule 38 of the Rules of Procedure, which stipulates that "the Commission shall normally vote by a show of hands". Thereafter, the Commission voted on the proposal to take action on the part of the draft recommendations relating to the Southern Kyushu-Palau Ridge Region. The proposal did not receive a two-thirds majority of votes: out of 16 members, 5 were in favour, 8 were against and 3 abstained. The Commission considered that it would not be in a position to take action on the parts of the recommendations relating to the Southern Kyushu-Palau Ridge Region until such time as the matters referred to in the communications referred to above had been resolved.

Adoption of recommendations

20. On 19 April 2012, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Japan on 12 November 2008".

21. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof,[4] were submitted in writing to the coastal State and to the Secretary-General on 26 April 2012.

Item 7
Consideration of the submission made by France in respect of the areas of the French Antilles and the Kerguelen Islands[6]

Report of the Subcommission

22. The Chairperson of the Subcommission, Mr. Jaafar, informed the Commission that the Subcommission had continued its work during the resumed twenty-eighth session, from 28 November to 9 December 2011, and during the twenty-ninth session, from 19 March to 5 April 2012. During those periods it had held meetings with the delegation of France, conveying observations and questions and delivering presentations which related to the partial submission. In the course of the Subcommission's examination of the partial submission, the delegation had provided additional material consisting of documents and made several presentations to the subcommission.

23. Pursuant to paragraph 10.3 of annex III to the Rules of Procedure, the Subcommission presented its views and general conclusions to the delegation. The Subcommission then finalized the draft recommendations, which were adopted by consensus on 23 March 2012 and transmitted to the Commission on 5 April 2012.

[6] Submission made on 5 February 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_fra1.htm.

Consideration of draft recommendations

24. On 9 April 2012, the Chairperson and other members of the Subcommission presented to the Commission the draft recommendations in regard to the submission made by France in respect of the areas of the French Antilles and the Kerguelen Islands.

25. Pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure, on 11 April 2012, the delegation of France, headed by Elie Jarmache, head of delegation, Chargé de mission at the Secrétariat Général de la Mer, who was accompanied by Walter Roest, Chief Geophysicist, made a presentation to the Commission in respect of the submission.

26. Following a thorough consideration of the draft recommendations prepared by the Subcommission and of the presentation made by the delegation, the Commission adopted by consensus, on 19 April 2012, the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by France on 5 February 2009, in respect of the areas of the French Antilles and the Kerguelen Islands".

27. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof,[4] were submitted in writing to the coastal State and to the Secretary-General on 27 April 2012.

Item 8
Consideration of the submission made by Uruguay[7]

Report of the Subcommission

28. The Chairperson of the Subcommission, Mr. Charles, reported on the progress of the work of the Subcommission. During the resumed twenty-eighth session, from 5 to 9 December 2011, the Subcommission held two meetings with the delegation of Uruguay. The delegation advised the Subcommission that it would be providing new data and materials updating its submission.

29. The Subcommission then continued its work at the twenty-ninth session, from 19 March to 5 April 2012 and from 23 to 27 April 2012, and finalized its work for handing over to the next Commission. In that regard, following a request from the Commission, the Subcommission made a presentation to the plenary on the status of the Subcommission's considerations to date.

30. During the twenty-ninth session, the Subcommission requested Uruguay to provide an indicative timetable for its presentation of the new data, studies and analyses related to its proposed updated submission. The Subcommission received a response containing, among other things, a preliminary timetable for the presentation of the updated submission.

31. The Subcommission also considered its future programme of work and decided that it would hold its next meeting from 13 to 24 August 2012.

[7] Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

Item 9
Consideration of the submission made by the Philippines in respect of the Benham Rise region[8]

Report of the Subcommission

32. The Chairperson of the Subcommission, Mr. Awosika, informed the Commission that the Subcommission had continued the examination of the submission between sessions and had met during the resumed twenty-eighth session, from 5 to 9 December 2011, and the twenty-ninth session, from 26 March to 5 April 2012. The Subcommission held meetings with the delegation of the Philippines at which the former presented its views and general conclusions to the delegation, pursuant to paragraph 10.3 of annex III to the Rules of Procedure. On 2 April 2012, the Subcommission adopted the draft recommendations by consensus and transmitted them to the Commission on the same day.

Consideration of draft recommendations

33. On 9 April 2012, the Chairperson and other members of the Subcommission introduced to the Commission the draft recommendations in regard to the submission made by the Philippines in respect of the Benham Rise Region on 8 April 2009.

34. On 12 April 2012, pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure of the Commission, the delegation of the Philippines, lead by Libran N. Cabactulan, Permanent Representative of the Philippines to the United Nations, made a presentation to the Commission in which it highlighted its agreement with the Subcommission's determination of the outer limits.

Adoption of recommendations

35. The Commission then continued its deliberations in private. On 12 April 2012, following a thorough consideration of the draft recommendations prepared by the Subcommission and of the above-mentioned presentation made by the delegation, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Philippines in respect of the Benham Rise Region on 8 April 2009".

36. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof,[4] were submitted in writing to the coastal State and to the Secretary-General on 17 April 2012.

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[8] Submission made on 8 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_phl_22_2009.htm.

Item 10
Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau

Report of the Subcommission

37. The Chairperson of the Subcommission, Mr. Carrera, informed the Commission that the Subcommission had met during the twenty-eighth session, from 29 August to 2 September 2011. The Subcommission also met during the twenty-ninth session, following the plenary part of that session, from 23 to 27 April 2012. The Subcommission held two meetings with the delegation, on 24 and 26 April 2012, during which the Subcommission and the delegation made presentations on matters related to the submission. In its presentation, the delegation noted that it had acquired, as recommended by the Subcommission, additional data from publicly available sources. Following the analysis of those data, the Cook Islands had amended the formula line and outer limits of its continental shelf beyond 200 nautical miles in one area of the submission. The Subcommission decided that it would bring the amendments to the original submission to the attention of the Commission.

38. The Subcommission also considered its future programme of work and decided that it would hold its next meeting from 13 to 17 August 2012.

Item 11
Consideration of other submissions

(a) Submission made by Guyana[9]

39. The submission was presented to the Commission on 11 April 2012 by Carolyn Rodrigues-Birkett, Minister for Foreign Affairs and head of delegation; Newell Dennison, Manager, Petroleum Division, Guyana Geology and Mines Commission; and Keith George, Ambassador of Guyana to Suriname. The delegation also included Elisabeth Harper, Director-General, Ministry of Foreign Affairs; George Talbot, Permanent Representative of Guyana to the United Nations; and a number of advisers.

40. Ms. Rodrigues-Birkett informed the Commission that one of its current members, Mr. Carrera, and one of the former members, Karl Hinz, had assisted Guyana by providing scientific and technical advice.

41. In relation to the communication from the Bolivarian Republic of Venezuela, dated 9 March 2012, as well as a responding note verbale from Guyana dated 4 April 2012, concerning the submission, Ms. Rodrigues-Birkett observed, inter alia, that there were no territorial disputes and no maritime boundary disputes or controversies which might affect the consideration of any portion of the outer limits of the submission. She also highlighted that the submission was made without prejudice to maritime boundary delimitation.

[9] Submission made on 6 September 2011; see www.un.org/depts/los/clcs_new/submissions_files/submission_guy_57_2011.htm.

42. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communications referred to above and the presentation made by the delegation, the Commission decided that, pursuant to article 5 of annex II to the Convention and rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission also decided that it would revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

(b) Submission made by Mexico in respect of the eastern polygon in the Gulf of Mexico[10]

43. Mr. Nazmin, Vice-Chairperson, presided over this part of the proceedings of the Commission. The submission was presented to the Commission on 12 April 2012 by Arturo Dager, alternate head of delegation, Legal Adviser, Ministry of Foreign Relations, and other members of the delegation of Mexico. The delegation included a number of advisers from various ministries and other governmental entities.

44. Mr. Dager informed the Commission that one of its current members, Mr. Carrera, had assisted Mexico by providing scientific and technical advice.

45. Mr. Dager also noted that Mexico had held consultations with the neighbouring coastal States, namely Cuba and the United States of America, and that, in that regard, there were no territorial disputes or maritime boundary disputes which might affect the consideration of any area of the outer limits of the submission. He also emphasized that there were no notes verbales objecting to the consideration of the submission and that the submission was made without prejudice to maritime boundary delimitation.

46. The Commission then continued its deliberations in private. Addressing the modalities for the consideration of the submission, the Commission decided by consensus that, pursuant to article 5 of annex II to the Convention and rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission decided that it would establish that subcommission at the time when the submission was next in line for consideration, as queued in the order in which it was received.

Item 12
Report of the Chairperson of the Committee on Confidentiality

47. The Chairperson, Mr. Croker, reported that since the twenty-eighth session of the Commission no circumstances had arisen requiring a meeting of the Committee.

[10] Submission made on 19 December 2011; see www.un.org/depts/los/clcs_new/submissions_files/submission_mex58_2011.htm.

Item 13
Report of the Chairperson of the Editorial Committee

48. The Chairperson, Mr. Jaafar, reported that the Committee had not held any meetings during the twenty-ninth session.

Item 14
Report of the Chairperson of the Scientific and Technical Advice Committee

49. The Chairperson, Mr. Symonds, reported that the Commission had not received any formal requests for scientific and technical advice. The Committee had held one meeting during the twenty-ninth session and discussed issues under its purview, including a request for a meeting by Oman. In that context, the Commission reiterated its willingness to provide scientific and technical advice to States upon request.

50. On 23 April 2012, the Chairperson of the Commission, Mr. Carrera, and the Chairperson of the Committee, Mr. Symonds, met with Salim bin Abdullah bin Rashid al-Alawi, Chief of the Office of Continental Shelf and Maritime Affairs of the Ministry of Foreign Affairs, and other representatives of Oman and briefed them about rules and procedures concerning the provision of scientific and technical advice by the Commission. The representatives of Oman highlighted the need for capacity-building and expressed their interest in a five-day training course on the preparation of submissions, similar to that previously delivered by the Division at the regional level.

Item 15
Report of the Chairperson of the Training Committee and other training issues

51. The Chairperson of the Committee, Mr. Carrera, reported that the Committee had not held any meetings during the twenty-ninth session.

Item 16
Mechanism to seek advice on matters of interpretation of certain provisions of the Convention other than those contained in its article 76, and annex II, as well as in the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea

52. The Commission considered this agenda item in the light of its deliberations at the twenty-eighth session (see CLCS/72, paras. 37-40). The proposal to seek advice from the Legal Counsel on the matter was withdrawn and the Commission decided not to pursue this issue any further.

Item 17
Other matters

Commemorative meeting

53. On 13 April 2012, the Commission met informally to pay tribute to the memory of the late Mr. Albuquerque. The meeting was attended by Maria Luiza Ribeiro Viotti, Permanent Representative of Brazil to the United Nations, and other representatives of Brazil. Statements paying tribute to the life and achievements of Mr. Albuquerque were made by Ms. Viotti, the Chairperson and Vice-Chairpersons of the Commission and the Director and staff of the Division.

Presentation to the twenty-second Meeting of States Parties

54. The Commission agreed that the Chairperson would prepare, in consultation with all members, and deliver to the twenty-second Meeting of States Parties to the Convention a presentation on the work of the Commission.

Trust funds

55. The Director of the Division briefed the Commission on the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. It was noted that assistance had been provided to six members of the Commission during the twenty-eighth session, in the amount of approximately US$ 109,500; while five members had received assistance for the resumed twenty-seventh session, in the amount of approximately US$ 38,000.

56. It was further noted that, since the twenty-eighth session of the Commission, contributions had been received from China (US$ 20,000), Côte d'Ivoire (US$ 375), Japan (US$ 211,260) and Mexico (US$ 7,500). According to the provisional statement of accounts, as at the end of January 2012, the balance of the trust fund was approximately US$ 809,640.17.

57. The Director also provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions. Since the twenty-eighth session of the Commission, the Secretariat had received a contribution of US$ 375 to the trust fund from Côte d'Ivoire. According to the provisional statement of accounts, as at the end of December 2011, the balance of the trust fund was approximately US$ 1,229,000.

Establishment of new subcommissions

58. In view of the expiration of the term of office of its current members on 15 June 2012 and the elections to be held at the forthcoming twenty-second Meeting of States Parties, in June 2012, the Commission decided not to establish any new subcommissions at the current time.

59. The Commission noted that the consideration of some submissions which were next in line had been deferred owing to the nature of statements contained in communications received *in respect of those submissions*. The Commission also noted that, in at least one case, the circumstances which had led to the postponement of the consideration of the submission might no longer exist. However, it was of the view that in order to be able to proceed with the establishment of a subcommission

and the consideration of the submission, an official communication from the States concerned would be required.

Workload of the Commission

60. The Commission noted that it had reviewed the issue of its workload on several occasions and still considered it a matter of high importance for its future work. It decided to transmit to the next Commission the entire set of presentations that it had made on this issue to the Meeting of States Parties and the Informal Working Group facilitated by the Bureau of the Meeting. The Commission also recommended that the issue of the workload should be included on its agenda at the next plenary session.

Dates of future sessions

61. The Commission recalled that, in accordance with General Assembly resolution 66/231, its thirtieth session would be held from 30 July to 10 August 2012. In addition, the Subcommission established to consider the submission of the Cook Islands would meet from 13 to 17 August 2012, and the Subcommission established to consider the submission of Uruguay would meet from 13 to 24 August 2012, following the plenary part of the thirtieth session.

62. The dates of the subsequent sessions would be discussed at the next plenary session of the Commission, taking into account the request by the Meeting of States Parties to the Convention (SPLOS/229, para. 1) that the Commission consider, in coordination with the Secretariat, meeting in New York for up to 26 weeks but not less than an intended minimum of 21 weeks a year for a period of five years, distributed in such a way that the Commission determined to be the most effective, and that no two sessions would be sequential.

Acknowledgements

63. The Chairperson expressed his appreciation and gratitude to the members of the Commission for their support, hard work and utmost dedication over the past five years.

64. In turn, the members of the Commission thanked the Chairperson for his skilful leadership of the Commission at the current session and his contribution to the work of the Commission during his present and previous terms of office.

65. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division.

66. The Commission expressed its appreciation to other members of the Secretariat for their assistance provided to the Commission over the past five years, and in particular noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers during that period.